

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH,
JAIPUR

S.B.CIVIL WRIT PETITION NO.7074/2002.

Prahalad Narayan Dangayah Vs. State of Raj. & Another.

04.09.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Dr.P.C.Jain, for the petitioner.

Mr.Samit Bishnoi on behalf of

Mr.Bharat Vyas, Additional Advocate General for J.D.A.

Vide order dated 04.10.2002 the prayers No.1 and 2 made by the petitioner were dismissed as not pressed. So far as the prayer No.3 is concerned, notice was given to the learned counsel for the J.D.A. on the question that J.D.A. be restrained from demolishing whole of portion of the property belonging to the petitioner till such time as they proceed in accordance with law.

The grievance which has been raised by the learned Senior Counsel for the petitioner is that on the property of the petitioner, for the purposes of widening of the Ajmer Road at Jaipur, the respondent-J.D.A. and the State Functionaries have come and affixed markings with a view to demarcate the extent to which the road is sought to be widened and if that is allowed to be done, in the first instant, the property of the petitioner would be utilized for the purposes of widening of the road without having followed the due process of law i.e. without having acquired the property of the petitioner and without giving the compensation and thereby depriving

the petitioner of his property in violation of the provisions of Article 300-A of the Constitution of India.

Learned counsel appearing on behalf of J.D.A., on the other hand, submitted that petitioner's construction itself is not in accordance with law and that the same was the subject matter of another writ petition being S.B.Civil Writ Petition No.3580/1998 [J.D.A. Vs. Shri Prahlad Narain & Another] in which vide judgment dated 23.08.2006 passed by the learned J.D.A.Appellate Tribunal has been set aside and the case remanded to the J.D.A.Appellate Tribunal for decision afresh and in case the same is held to be illegal, the same is liable to be demolished.

It is, however, submitted that so far as the widening of the road and utilization of the land/property of the petitioner for the said purpose is concerned, the same would only be done after following the due process of law.

In view of the above, it is hereby directed that in case the respondents seek to widen the road, they would do so as submitted by the learned counsel for the respondent after following the due process of law.

This writ petition as well as the stay application accordingly stand disposed of in the light of the above.

(DALIP SINGH), J.

Solanki DS, Jr.P.A.